

# Nathan M. Hansen

Attorney at Law

2440 North Charles Street, Suite 242

North St. Paul, MN 55109

**Main:**  
**(651) 704-9600**

**E-mail:**

**Fax:**  
**(651) 704-9604**

April 25, 2019

**VIA EMAIL**

Karl Procaccini  
General Counsel  
Office of Governor Tim Walz  
75 Rev Dr Martin Luther King Jr Blvd #130  
St Paul, MN 55155, St Paul, MN 55155

**Re: Data practices act request of Michael Brodkorb**

Dear Mr. Procaccini:

I represent Michael Brodkorb with regard to request for public data made by Mr. Brodkorb with Governor-elect Tim Walz and Lt. Governor-elect Peggy Flanagan's office on December 21, 2018. Mr. Brodkorb submitted his request for public data through the contact page published on Governor-elect Tim Walz and Lt. Governor-elect Peggy Flanagan's website. The contact page located at <https://mn.gov/tim-walz/contact/> is undisputedly a website that was owned and operated by the state of Minnesota.

In response to this request, Mr. Brodkorb received a three-page letter on February 15, 2019, via Gmail from Kristen McMullen of the One Minnesota Transition Committee indicating that the One Minnesota Transition Committee was not subject to the Minnesota Government Data Practices Act because it is not a government entity. Mr. Brodkorb responded to Ms. McMullen's letter on the same day by expressing confusion as to the involvement of the One Minnesota Transition Committee in Mr. Brodkorb's request for public data, as his request was made Governor-elect Tim Walz and Lt. Governor-elect Peggy Flanagan's and not with the One Minnesota Transition Committee.

Again, on February 15, 2019, Mr. Brodkorb forwarded you the correspondence he received from the One Minnesota Transition Committee. Mr. Brodkorb also informed you that he had not received an answer to his request for public data and he inquired about the status of the request. On March 6, 2019, Mr. Brodkorb received an email from Emily Parks with your office indicating that the data requested by Mr. Brodkorb on December 21, 2018 "does not exist in this Office." This appears to be a rather legalistic response that could have different meanings. Specifically, does this mean that the data Mr. Brodkorb requested on December 21, 2018:

- 1) Never existed;
- 2) Existed at some point but were destroyed, deleted or lost; or
- 3) Exists with some other agency or part of state government?

Option 1 listed above appears to be impossible. Even so, option 1 appears to be the position of the Governor's Office at this point in time. Please provide some further explanation about the status and location of the data Mr. Brodkorb requested. If you check into this and determine that the requested data do in fact exist with the Governor's Office, please provide the data requested. I would appreciate it if I could get a response from your office by May 6, 2019.

Thank you for your time and attention to this matter. I look forward to hearing from you or a member of your staff in the very near future.

Sincerely,

/e/ Nathan M. Hansen